

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JANE A. SHELLEY &
WILLIAM A. SHELLEY

06 CV 1289
(NGG)

Plaintiffs,

-against-

**AFFIRMATION OF
CONSTANTINE A. SPERES**

ANTONIO I. BRANDVEEN

Defendant.

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CONSTANTINE A. SPERES, an attorney admitted to practice law in the courts of the State of New York, under penalty of perjury, affirms as follows:

1. I am an Assistant Attorney General in the Office of ANDREW M. CUOMO, Attorney General of the State of New York and Counsel for defendant, the Honorable Antonio I. Brandveen, Acting Justice of the Supreme Court of the of the State of New York, Nassau County ("Justice Brandveen"). I am familiar with the facts of this matter from my review of the complaint and from conversations with the chambers of Justice Brandveen.

2. I submit this affirmation in support of Justice Brandveen's motion to dismiss the complaint to present this Court with an exhibit of which it can take judicial notice.

3. Attached hereto as Exhibit "A" is a copy of this Court's Memorandum and Order, dated March 31, 2006.

4. Attached hereto as Exhibit "B" is a copy of plaintiffs' Amended Complaint without the attached exhibits.

5. Attached hereto as Exhibit "C" is a copy of Justice Brandveen's Short Form Order, dated April 11, 2006, resolving Motion Sequence No. 011.

6. Attached hereto as Exhibit "D" is a copy of Justice Brandveen's Short Form Order, dated April 13, 2006, resolving Motion Sequence No. 012.

7. Attached hereto as Exhibit "E" is a copy of Justice Brandveen's Short Form Order, dated April 11, 2006, resolving Motion Sequence No. 013.

8. Attached hereto as Exhibit "F" is a copy of Justice Brandveen's Short Form Order, dated April 12, 2006, resolving Motion Sequence No. 014.

9. Attached hereto as Exhibit "G" is a copy of Justice Brandveen's Short Form Order, dated April 11, 2006, resolving Motion Sequence No. 016.

10. Attached hereto as Exhibit "H" is a copy of Justice Brandveen's Short Form Order, dated April 28, 2006, substituting Alan B. Malman as plaintiff and referring the action to the Calendar Control Part.

11. Attached hereto as Exhibit "I" is a copy of the New York State Unified Court System's eCourts' Nassau County Supreme Court Appearance Detail printout for in Malman v. Shelley, Index No. 12745/00.

Dated: New York, New York
January 17, 2007

/s Constantine A. Speres
CONSTANTINE A. SPERES
Assistant Attorney General